

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND**

JOSEPH GRILLO, <i>pro se</i>	:	
	:	
Plaintiff,	:	
	:	
v.	:	C.A. No. 2020-CV-0417-JJM-PAS
	:	(R.I. Superior Court C.A. PC-2020-5326)
ERIC LYNN ANDRIST,	:	
	:	
Defendant	:	

**DEFENDANT’S MEMORANDUM  
IN SUPPORT OF MOTION FOR ENTRY OF A DEFAULT**

Defendant submits this Memorandum in support of his Motion, pursuant to Fed.R.Civ.P. 55(a), requesting that the Clerk enter a default against Plaintiff with respect to the Counterclaim filed in this action (CM/ECF 4).

Rule 55(a) calls for the Clerk to enter a default when a party has failed to plead or otherwise defend. Defendant filed the Counterclaim on September 25, 2020. CM/ECF 4. Plaintiff’s deadline for responding to the Counterclaim expired on October 16, 2020. Fed.R.Civ.P. 12(a)(1)(B). In an October 5, 2020 text order, the Court granted Plaintiff’s assented-to motion to extend the response date to October 23. Today is October 27, and no responsive pleading has been filed.<sup>1</sup>

For these reasons, Defendant respectfully requests that the Clerk enter a default with regard to the Counterclaim filed in this matter.

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<sup>1</sup> The Court may take judicial notice of its own docket to confirm these facts. Fed.R.Ev. 201(b).

Respectfully submitted,

Defendant Eric Lynn Andrist

By his attorney,

/s/ Samuel D. Zurier

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October 27, 2020

**CERTIFICATE OF SERVICE**

I hereby certify that on this 27<sup>th</sup> day of October, 2020, I served a copy of this Motion for Entry of Default through the Court's CM/ECF system and by first class mail, postage prepaid, upon Plaintiff at the following address:

Joseph Grillo  
73 Primrose Hill Road  
Barrington, RI 02806

/s/ Samuel D. Zurier

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